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DEPARTMENT FOR EUR/WE AND H

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SUBJECT: HAMAS PARTICIPATION IN COE PARLIAMENTARY ASSEMBLY MEETING

Classified By: Pol/MC Josiah Rosenblatt for reasons 1.4 (B & D).

This is a joint message from Embassy Paris and ConGen Strasbourg.

1. (C) Summary: Ambassador Stapleton received April 4 a letter from Congressman Wexler to COE Parliamentary Assembly (PACE) President van der Linden seeking to dissuade the parliamentary assembly from meeting with a Palestinian delegation of which one member belongs to Hamas. Embassy and CG Strasbourg have intervened energetically to press the PACE in Strasbourg, and GOF officials here, to turn off the visit -- so far with uncertain results. The PACE is claiming it sent an invitation to the Palestinian Legislative Council rather than Hamas in an effort to cover itself. The GOF is extremely uncomfortable with the situation, but claims its host-country obligations vis-a-vis the COE may prevent it from refusing a visa request for a legitimate COE meeting. It is not clear at this stage whether there have been any formal visa requests. While the MFA, including A/S-equivalent for the Near East Thibault, appear more comfortable addressing this as a legal rather than a political matter, our EU CFSP interlocutor at the MFA indicated that the GOF is prepared to raise the issue within the EU if necessary. Comment: GOF focus, thus far, appears to be on the legal aspect, i.e., whether a case can be made to refuse a visa, if and when a request is made by a Hamas member. However, the French do not seem to be making a concerted effort with other European governments, the COE or the PACE to block or retract an invitation based on political considerations. End comment and summary.

2. (U) On April 4, Ambassador Stapleton was copied on a letter from Rep. Robert Wexler to Rene van der Linden, the President of the Parliamentary Assembly of the Council of Europe (PACE), seeking to dissuade Linden from allowing the Palestinian Legislative Council (PLO), which includes at least one representative from Hamas, from participating in April 10-13 meetings with PACE's Political Affairs Subcommittee on the Middle East and a PACE plenary session. The letter recommends prudence in eschewing all contact with Hamas until such time as Hamas as fulfilled the three conditions set forward by the Quartet (denunciation of terror, recognition of Israel's right to exist, and honoring of previous agreements with Israel). Rep. Wexler's letter is also signed by Reps Tom Lantos, Gary Ackerman, Elliot Engel, Elton Gallegly, Jo Ann Davis, Steve Chabot, and Shelley Berkley. The letter was also copied to Terry Davis, Secretary General of the COE and Mateo Sorinas Balfego,

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Secretary General of PACE, in addition to the Ambassador.

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3. (C) Strasbourg CG raised congressional request to the Council of Europe to rescind the invitation to the Palestinian Legislative Council April 6 with PACE SecGen Mateo Sorinas. CG noted the request violated EU/Quartet policy regarding Hamas and restrictions of diplomatic contacts and that it sends an inconsistent message in terms of policies agreed to by the EU and the Quartet. A clearly uncomfortable Sorinas said the invitation went to the PLC, not solely to Hamas. He said that the PLC has not yet responded to the invitation. There has been no discussion in the PACE about the invitation, according to Sorinas. The PACE passed a resolution several years ago requiring that the PLC be invited anytime Middle East issues are discussed in the plenary.

4. (C) Israeli consul, Gilbert Roos, told CG that the two members of the PLC may participate. They are Hassan Kreirshe (sp) Independent, second vice president of the PLC, and Hamas-affiliated Mahmoud al Ramahi (secretary of the PLC). Both, according to Roos, attended a March 14 PACE political committee meeting in Paris. When the two applied for visas to attend a May 14 meeting in Brussels, they were refused. Roos noted that Israel, in previous years, would have prevented such a departure, but that the PLC now departs via Egypt.

5. (C) In a separate discussion with poloff April 6, MFA desk

officer for Palestinian affairs Mariam Diallo confirmed that the GOF was considering Ramahi's visa application, but that no decision had been taken. Poloff reiterated the need for continued unity on insisting on the Quartet conditions and not giving Hamas a platform in Europe, given that both the U.S. and Europe had designated Hamas a terrorist organization. In response, Diallo stressed that the GOF's 1949 host-country agreement with the COE essentially obligated the GOF to issue visas to individuals invited to COE events, and in fact required the GOF to expedite such visas. She cautioned though, that MFA legal experts were still examining the issue, with no decision taken. If the visa were issued, she concluded, the GOF would make clear that it was only on the basis of host-country obligations and was a legal, vice political decision. She added that the invitation came from a COE institution, the Secretary General of the Parliamentary Assembly, not individuals or member states, which made it more difficult for the GOF to find a way out on the issue. Pressed on whether Ramahi had visited Paris to attend a March 14 COE meeting, Diallo said she was not aware that any such travel had taken place, and that she likely would have been informed, given the visa implications.

16. (C) In a follow-on discussion with Political Minister-Counselor, MFA A/S-equivalent for the Middle East Jean-Francois Thibault assured PolMC that France was taking a great deal of care in developing its approach to an extremely delicate matter. Thibault confirmed that the legality of a visa denial was still being studied. He claimed that France's legal obligations under its 1949 agreement with the COE were more stringent than the European Parliament's with Belgium. There were previous cases in which, despite France's opposition to a visit, the GOF had been obligated to allow a politically objectionable visitor to enter France to attend a COE event. French authorities in essence ended up escorting the visitor to and from the airport to ensure that no other use was made of the visit. PolMC expressed the hope that France would view this as a political issue, and use its influence and make known publicly its views on Hamas in order to persuade the PACE to refuse Hamas participation, citing the action of EU President Borrell to that effect. Thibault said that France would make its position clear with respect to its unambiguous support for and adherence to the Quartet's conditions, citing specifically FM Douste-Blazy's public statement to that effect the morning of April 6. He suggested the U.S. take its concerns directly to the COE, which PolMC assured him we had done. He also took the occasion to complain about the "false rumors" emanating from the Middle East about alleged French contact with Hamas, completely unfounded and the product of "disinformation endemic to the region."

17. (C) In yet another, separate conversation with Deputy PolCouns, MFA CFSP Unit Head Jean-Louis Falconi repeated many of Thibault's arguments, but with more attention to operational details. He said that the GOF was still in the process of attempting to obtain confirmation from the COE that invitations had been extended to the PLC. Falconi claimed that, as far as he knew, no visas had yet been requested for travel. He emphasized that this was situation France did not wish to be confronted with and was in fact very anxious to avoid. The GOF's best course of action would be to try to ensure that there would be no visa request forthcoming that would require adjudication. Given its COE obligations, Falconi continued, the GOF would be able to refuse a visa only if the individual were considered a danger to public order or listed individually on an EU, UN, or French list of banned persons. He said that, if indeed the COE confirms the invitation and France receives a visa request, then it would attempt to consult its EU partners before coming to a final decision. He did not indicate whether this was more for the purpose of cover, or whether France would be seeking some sort of EU "decision" that might exempt it in this instance from its COE obligations.

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